

FLORIDA PUBLIC SERVICE COMMISSION

VOTE SHEET

NOVEMBER 19, 2002

RE: Docket No. 001660-SU - Application for amendment of Certificate No. 361-S to extend and to delete wastewater service area in Highlands County by Highlands Utilities Corporation.

ISSUE 1: Should the Commission order Highlands Utilities Corporation to show cause, in writing, within 21 days, why it should not be fined an amount up to \$5,000 for each offense as authorized by Section 367.161, Florida Statutes, for serving outside its certificated territory in apparent violation of Section 367.045(2), Florida Statutes?

RECOMMENDATION: No. A show cause proceeding should not be initiated for the above-noted apparent violation. However, the utility should be admonished of the need to comply with all the applicable statutes, Commission rules, and Commission orders, and that fines could be imposed for future violations.

APPROVED

COMMISSIONERS ASSIGNED: Deason, Palecki, Bradley

COMMISSIONERS' SIGNATURES

MAJORITY

DISSENTING

Judy Bradley

J. Jerry Deason

Michael A. Palecki

REMARKS/DISSENTING COMMENTS:

DOCUMENT NUMBER-DATE

12664 NOV 19 02

FPSC-COMMISSION CLERK

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ISSUE 2: Should the Commission approve the Settlement Agreement, filed May 29, 2002, between Highlands Utilities Corporation and the Town of Lake Placid?

RECOMMENDATION: Yes. The Commission should approve the Settlement Agreement, filed May 29, 2002, between Highlands Utilities Corporation and the Town of Lake Placid, and the Commission should acknowledge that the Town of Lake Placid has withdrawn its protest.

APPROVED

ISSUE 3: Should Highlands Utilities Corporation's amended application for amendment of Certificate No. 361-S be granted?

RECOMMENDATION: Yes. Highlands Utilities Corporation's application for an amendment to expand and delete its territory should be granted as described in Attachment A of staff's November 7, 2002 memorandum. Highlands Utilities Corporation should charge the customers in the territory added herein the rates and charges contained in its tariff until authorized to change by this Commission in a subsequent proceeding.

APPROVED

ISSUE 4: Should Highlands Utilities Corporation's request for a filing fee refund in the amount of \$500 be granted?

RECOMMENDATION: Yes. Highlands Utilities Corporation's request for a filing fee refund should be granted. The utility should be allowed to submit an Application For Refund to the State of Florida Office of the Comptroller, requesting a refund of \$500.

APPROVED

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ISSUE 5: Should this docket be closed?

RECOMMENDATION: Yes. If staff's recommendations in Issues 1, 2, 3, and 4 are approved, no further action is required and the docket should be closed.

APPROVED